

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 PRINCETON DEVELOPMENTS, LLC,

No. C 11-4471 CW

5 Plaintiff,

6 v.

7 BRYNEE K. BAYLOR; BAYLOR &
8 JACKSON, PLLC; THE MILAN GROUP,
9 INC.; FRANK LORENZO; GPH
HOLDINGS, LLC; and PATRICK LEWIS,

ORDER ADDRESSING
THE FAILURE TO
APPEAR AT THE CASE
MANAGEMENT
CONFERENCE BY
DEFENDANTS BRYNEE
K. BAYLOR AND
PATRICK LEWIS AND
SERVICE UPON
DEFENDANTS DAWN R.
JACKSON, MIA C.
BALDASSARI AND GPH
HOLDINGS, LLC

10 Defendants.
11 /

12 KUMAN BANQUE, LLC,

No. C 11-4472 CW

13 Plaintiff,

14 v.

15 BRYNEE K. BAYLOR; BAYLOR &
16 JACKSON, PLLC; THE MILAN GROUP,
17 INC.; and FRANK LORENZO,

Defendants.
18 /

19 On September 5, 2012, the Court held a case management
20 conference in the above-captioned cases. Defendants Brynee K.
21 Baylor and Patrick Lewis failed to appear for that conference.
22 The Court warns Baylor and Lewis that, if they fail to appear at
23 the next court date personally or through counsel, their default
24 will be entered.

25 Plaintiffs Princeton Development, LLC and Kuman Banque, LLC
26 have not yet served Defendant Dawn R. Jackson and have moved for a
27 thirty-day extension to the time period in which they must
28 effectuate service upon her. Plaintiffs added their claims

1 against Jackson in the first amended complaints (1ACs), which were
2 filed on May 24, 2012. On June 26, 2012, the Court overruled
3 Defendant Frank Lorenzo Pavlico's opposition to Plaintiffs'
4 motions for leave to file to file the 1AC. Plaintiffs have filed
5 declarations detailing their efforts to complete service upon
6 Jackson thus far. Having considered the attempts described in
7 their declarations, and because there was good cause for
8 Plaintiffs to wait until June 26, 2012 to effectuate service upon
9 Jackson, the Court GRANTS Plaintiffs' motions and extends the
10 deadline for service upon this Defendant until October 24, 2012
11 (Docket Nos. 95 in 11-4471 and 81 in 11-4472).

12 By October 29, 2012, Plaintiffs must file either proof of
13 timely service upon Jackson or a motion to extend time for
14 service, setting forth good cause to explain their failure to
15 serve Jackson by October 24, 2012. If Plaintiffs fail to comply
16 with the terms of this Order, their claims against Jackson will be
17 dismissed for failure to prosecute.

18 The Court notes that, in Plaintiffs' case management
19 statement filed on August 28, 2012, they represented that
20 Defendant Mia C. Baldassari was served with the 1AC in the
21 Princeton Developments action on August 24, 2012. However,
22 Princeton Developments has not filed proof of service upon her
23 yet. In its action, Kuman Banque has filed an affidavit of
24 service from a process server stating that Defendant GPH Holdings,
25 LLC was served under state law by substitute service on August 16,
26 2012 and mailing on August 21, 2012 (Docket No. 72 in 11-4472).
27 However, the process server does not state whether GPH Holdings
28 was served following state law for California or Idaho, where

1 service was made, and under which provision of state law. The
2 Court notes that, as of the date of this Order, Baldassari has not
3 filed an answer or otherwise responded the 1AC in the Princeton
4 Developments action and that GPH Holdings has not answered or
5 otherwise responded to the 1AC in the Kuman Banque action.
6 Accordingly, the Court orders that, within one week of the date of
7 this Order, Princeton Developments file proof of service upon
8 Baldassari pursuant to Federal Rule of Civil Procedure 4(1), that
9 Kuman Banque file an updated proof of service upon GPH Holdings,
10 showing compliance with the provision of state law upon which it
11 relies, and that, if appropriate, Plaintiffs move for entry of
12 default against these Defendants pursuant to Federal Rule of Civil
13 Procedure 55(a).

14 The Court has set a further case management conference for
15 October 31, 2012 at 2:00 p.m.

16 This Order terminates Docket Nos. 95 in 11-4471 and 81 in
17 11-4472.

18 IT IS SO ORDERED.

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20 Dated: 9/24/2012


21 CLAUDIA WILKEN
22 United States District Judge
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